



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Corporate

October 28, 2003

In reply refer to: KDP-4

Mr. Dan Seligman
Columbia Research Corporation
209 W. Evergreen Blvd., Suite 605
Vancouver, WA 98660

Re: FOIA Request No. 03-034

Dear Mr. Seligman;

On September 8, 2003, you submitted a Freedom of Information Act (FOIA) request, designated as No. 03-034, in which you requested from Bonneville Power Administration (BPA) material related to "risk reduction" or litigation contingency agreements between BPA and representatives of investor-owned utilities, state regulatory authorities, and other entities, specifically:

1. A copy of all correspondence, e-mails or other communication, written or electronic, between BPA and representatives of investor owned utilities ("IOUs") (including executives, lawyers and IOU staff) regarding the adoption of the \$200-million "risk reduction" provision, also known as the litigation contingency, before the contracts were signed by BPA in 2001.
2. A copy of all meeting notes, telephone logs, or other written documents that describe discussions between BPA and IOU representatives before the risk reduction provision was signed by BPA in 2001.
3. A copy of all communications, whether written or electronic, between BPA and representatives of other entities -- such as the Oregon Public Utilities Commission ("OPUC"), the Washington Utilities and Transportation Commission ("WUTC") and any other government, tribal organization or interested party -- regarding the adoption of the \$200-million "risk reduction" provision before the contracts were signed by BPA in 2001.
4. A copy of all meeting notes, telephone logs or other written documents that describe discussions between BPA and representatives of all other entities (e.g.,

the OPUC, WUTC and others) before the risk reduction provision was signed by BPA in 2001.

BPA is hereby providing all documents that are responsive to the above request, including:

1. A May 1, 2001, electronic mail exchange of draft documents from attorneys for Stoel Rives, representing PacifiCorp, to BPA attorneys.
2. May 29, 2001, draft contract documents prepared by BPA for review by Puget Sound Energy, Inc.
3. A June 4, 2001, transmittal of draft contract documents to Puget Sound Energy, Inc.
4. Four June 5, 2001, electronic mails regarding the transmittal of a comparison of the draft PacifiCorp Financial Settlement Agreement and the draft Puget Sound Energy Amended Settlement Agreement. To save paper and since all four of these electronic mails attach the same document, the transmitted document is attached to the last electronic mail in that sequence circa 3:46 p.m.

BPA has no other documents responsive to this request.

If dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal".

In your original letter you agreed to pay fees to fulfill your request. You will be sent an invoice in the amount of \$141.00 under separate cover by our accounting department. If you have any questions regarding this response, you may contact me at 503-230-5110.

Sincerely,



Annie Eissler
Freedom of Information Act Officer

Enclosures